UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,970	09/15/2006	Lynn Choi	1751-418	2730
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W.			EXAMINER	
			SURYAWANSI, SUDHISH K	
SUITE 800 WASHINGTON, DC 20005		ART UNIT	PAPER NUMBER	
			2433	
			NOTIFICATION DATE	DELIVERY MODE
			08/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

	Application No.	Applicant(s)				
	10/598,970	CHOI ET AL.				
Office Action Summary	Examiner	Art Unit				
	SUDHISH SURYAWANSI	2433				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>15 S</u>	Sentember 2006					
	s action is non-final.					
<i>,</i>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims	, , , , , , , , , , , , , , , , , , , ,					
4)⊠ Claim(s) <u>1-18</u> is/are pending in the application	·					
,—	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected.						
7) Claim(s) is/are rejected.						
· · · · · · · · · · · · · · · · · · ·	election requirement					
8)⊠ Claim(s) <u>1-18</u> are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some coll None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate				

Application/Control Number: 10/598,970 Page 2

Art Unit: 2433

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-8 drawn to detecting a buffer overflow attack, classified in class
 726, subclass 22.
- II. Claims 9-18, drawn to recovering an operation state of a processor from a buffer overflow attack, classified in class 726, subclass 26.

Inventions I and II are drawn to detecting a buffer overflow attack and recovering an operation state of a processor from a buffer overflow attack respectively are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that subcombination has utility by itself or in other combinations (MPEP § 806.05(C)).

2. Examiner made attempts to get a provisional election over the phone but did not result in an election being made. Examiner called and left messages to the phone number 202-783-6040 (dated 7/28/09 and 7/30/09).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUDHISH K SURYAWANSI whose telephone number is (571)270-7461. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NASSER MOAZZAMI can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/598,970 Page 4

Art Unit: 2433

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sudhish Suryawansi/ Patent Examiner, Art Unit 2433

/Nasser G Moazzami/ Supervisory Patent Examiner, Art Unit 2436